

## **REMARKS**

Claims 1-6, 9 and 11 are pending for the Examiner's consideration. Claim 1 has been amended to narrow the scope of R<sup>d</sup>, and to delete the proviso added in our response filed June 18, 2008. Claim 11 has been amended to include the pharmaceutically acceptable salts. Claims 7-8 and 10 were previously cancelled. Claims 12-17 have been cancelled. Applicants request the Examiner's reconsideration of the pending claims in light of the preceding amendments and the following remarks.

### **Rejection under 35 U.S.C. § 102(b) first Paragraph:**

Claims 1-3 and 9 were rejected under 35 USC § 102(b) first paragraph over *Chemistry & Industry*, 937-939, 1951; CA 46: 48660, 1952 (*Spickett et al.*) for the reasons set forth on page 2 of the Office Action. Claim 1 has been amended to narrow the scope of R<sup>d</sup>. Applicants believe claim 1 as amended does not encompass any of the compounds of *Spickett et al.*

Claims 1-4 and 9 were rejected under 35 USC § 102(b) first paragraph over *Journal of Chemical Society*, 594-597, 1948 (*Curd et al.*), for the reasons set forth on page 2 of the Office Action. Applicants believe claim 1 as amended does not encompass any of the compounds of *Curd et al.*

Applicants believe the rejection is thus overcome, and request that it be withdrawn.

### **Allowable Subject Matter**

Claims 5-6 were objected to as being depending upon a rejected base claim but otherwise allowable, as set forth on page 3 of the Office Action. Claim 1 has been amended. Applicants believe that the objection no longer applies and request that it be withdrawn. Claim 11 was allowed as set forth on page 3 of the Office Action and Applicants hereby acknowledge with appreciation.

**Conclusion**

Applicants believe all pending claims are now in condition for allowance and request that a Notice of Allowance be issued timely. Should there be any issues that have not been addressed to the Examiner's satisfaction, Applicants invite the Examiner to contact the undersigned attorney.

If any fees are due in connection with this response other than those provided, please charge such fees to Deposit Account No. 161445.

Respectfully submitted,

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